

CITY OF ALBUQUERQUE

Office of the Mayor/ Chief Administrative Officer



Richard J. Berry, Mayor

April 17, 2012

Ms. Diana McDonald
Water Enforcement Branch (6EN-WM)
EPA, Region 6
1445 Ross Avenue Suite 1200
Dallas, TX 75202-2733

Received

APR 23 2012

6EN-W

**Re: Administrative Order, Docket Number: CWA-06-2012-1776
NPDES MS4 Permit Number: NMS000101**

Dear Ms. McDonald,

The City of Albuquerque (City) is in receipt of the above referenced Administrative Order (AO). The City has been proactively coordinating with the EXPO New Mexico on plans to protect the storm water quality in the MS4 permit area. We have been working with them in a supportive role to assist in monitoring flows and in their development of plans to separate the on-site storm water from the off-site flows conveyed from the neighborhoods to the east. Attached is a letter dated Feb. 6, 2012, we sent to EXPO NM that states our concurrence with them complying with your AO to EXPO NM and our offer to coordinate efforts in developing a plan to separate the on-site and off-site storm water flows.

After receiving your recent AO to the City, we again contacted EXPO NM to coordinate our efforts in compliance and were notified that the EXPO had also received a revised AO from EPA Region 6 recently. Their point of contact is Dr. Abu Senkayi. The City is concerned that with two AO's issued concurrently on the same issue that there may be some miscommunication and inefficiency in compliance.

As we continue to comply with the EPA requirements, and specifically this AO, we will communicate these efforts with you. The City believes we are addressing the specific issues in Order B, C, and F by supporting EXPO NM in their efforts to construct a separated storm water system within the EXPO NM property and have already established a monitoring program. Attached is a second letter we sent to EXPO NM dated March 2, 2012, which provides the offer of the City to include two monitoring stations on State property. This plan is now in place.

Order A is concerning in that it requires immediate action on behalf of the City to prohibit the NM EXPO storm water runoff into the system. The only feasible solution to this would be to close the inlets, where those flows enter the system, which are located on State Property. I hope you can understand the difficulties that presents by requiring a local municipality to implement immediate flow controls on a State Government. However, our approach will be to work with the EXPO to implement this plan immediately and will notify you if there are any issues.

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With reference to issue D, we are working to determine the most cost effective plan to exclude onsite flows and will keep you apprised of our plans and our progress toward identifying appropriate funding. Lastly, on Order E, the City is committed to eliminating unpermitted discharges to the MS4. The City is not aware of any other facility with a similar issue as EXPO NM within our jurisdiction, but we will work with our MS4 partners to further examine the possibility.

Michael Riordan from my staff will also call you to discuss the situation and provide additional clarity on the storm water conveyance system in and around the EXPO NM. We will provide you the specific information requested in the Order within the timeframes requested under separate correspondence.

Best Regards,

A handwritten signature in dark ink, appearing to read "Robert J. Perry", with a long horizontal flourish extending to the right.

Robert J. Perry
Chief Administrative Officer

cc: Michael J. Riordan, P.E.; Director Municipal Development Department
Melissa Lozoya, P.E.; Engineering Division Manager
James Bearzi, Bureau Chief, NMED
Vern Hershberger, Environmental Health and Safety, UNM
Jerry Lovato, P.E.; Executive Engineer, AMAFCA
Timothy R. Trujillo, P.E.; Manager, Storm Water Programs, NMDOT
Dan Mourning, General Manager, EXPO New Mexico